

***MACo/JPIA***

***MODEL PERSONNEL  
POLICY HANDBOOK***

*Feb 2000gfm*

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION TO ADOPT THESE PERSONNEL POLICIES AND ADDENDA  
SUPERSEDING ALL OTHER PERSONNEL POLICIES AND AMENDMENTS

WHEREAS, the Board of County Commissioners desires to establish uniform  
policies and procedures for personnel administration;

NOW, THEREFORE, BE IT HEREBY RESOLVED that these Personnel Policies and  
Addenda be adopted, effective \_\_\_\_\_.

BOARD OF COUNTY COMMISSIONERS  
\_\_\_\_\_ COUNTY, MONTANA

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

APPROVED AS TO FORM AND CONTENT

\_\_\_\_\_  
County Attorney

ATTEST:

\_\_\_\_\_  
Clerk and Recorder

# MODEL PERSONEL POLICY HANDBOOK

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ACKNOWLEDGMENT AND RECEIPT  
OF  
\_\_\_\_\_ COUNTY

HANDBOOK OF PERSONNEL POLICIES AND PROCEDURES

I acknowledge receipt of a copy of the Handbook of Personnel Policies and Procedures adopted by \_\_\_\_\_ County. I understand that I will be responsible for complying with the terms and conditions contained in the Handbook.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Employee's signature \_\_\_\_\_

Employee's hand printed name \_\_\_\_\_

Employee's work location \_\_\_\_\_

**SUBJECT:** PURPOSE AND DISCLAIMERS

## **STATEMENT OF POLICY**

An interesting and challenging experience awaits employees of the County. We have prepared this handbook to answer some of the questions concerning the County and its policies. Please read it thoroughly and retain it for future reference.

**Scope:** These Personnel Policies and Procedures shall apply to all County employees. In the event of conflict between these rules and any collective bargaining agreement, County resolution or rule, or state or federal law, the terms and conditions of that contract, rule or law shall prevail. In all other cases, these policies and procedures shall apply.

In the event of the amendment of any resolution, rule or law incorporated in this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes.

**The County specifically reserves the right to repeal, modify or amend these policies at any time, with or without notice. None of these provisions shall create a vested contractual right in any employee or to limit the power of the County Commission to repeal or modify these rules. The policies are not to be interpreted as promises of specific treatment.**

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** EQUAL EMPLOYMENT OPPORTUNITY

## **GRIEVANCE PROCEDURE**

**PURPOSE:** To inform management and employees of the provisions of the various discrimination laws

## **STATEMENT OF POLICY**

The County is an equal employment opportunity employer. The County does not refuse employment or discriminate in compensation or the other terms, conditions and privileges of employment based upon race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, or political beliefs. Any applicant for employment with the County or employee, who believes he or she has been subjected to discrimination, including harassment, based upon any of these factors, should immediately contact any supervisor in the chain of command or a County Commissioner.

### **Pre-employment Inquiries**

Except as may be required by the reasonable demands of a position (a bona fide occupational qualification) or compliance with a lawful affirmative action plan or government reporting or record-keeping requirements, the County will not elicit information concerning race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, or political beliefs from applicants for employment.

The County will obtain information required for tax, insurance, social security, compliance with garnishment or immigration laws or other legitimate business purposes after employment.

### **Pre-employment Physical Examinations**

The County will require pre-employment medical examinations only when necessary to determine ability to perform the physical duties of a particular position. Any pre-employment medical examination will be job-related.

The County will require a pre-employment medical examination only after a conditional offer of employment has been made to a job applicant and only when the following requirements are met:

- A. All applicants for the same position are subjected to the examination regardless of disability.
- B. The results of the examination are maintained on separate forms and in separate files and are treated as confidential, except that supervisors and managers may be informed regarding necessary restrictions and accommodations and safety personnel may be informed if a disability might require emergency treatment.

- C. The results of the examination will not be used to refuse employment or to make a distinction in employment unless a medical evaluation establishes inability of the particular applicant to safely and efficiently perform the duties of the position with reasonable accommodation, if necessary.

### **Nepotism**

The County does not discriminate against applicants or employees based upon marital status unless required to do so by the reasonable demands of the position (a bona fide occupational qualification). Compliance with Section 2-2-302 and 2-2-303 MCA, which prohibit nepotism in hiring and appointment, is not discrimination. Marital status includes whether a person is married, divorced, separated or single and the identity and occupation of a person's spouse.

### **Equal Pay**

The County does not pay any employee less than an employee of the opposite sex for work involving substantially equivalent skill, effort, and responsibility and which is performed under similar working conditions unless the disparity is based upon a factor other than sex.

### **Disability**

#### **Reasonable Accommodation**

The County does not discriminate against any applicant or employee in hiring or in the terms, conditions and privileges of employment due to physical or mental disability. When the County becomes aware of any physical or mental disability which prevents an otherwise qualified applicant or employee from performing a job, prior to refusing employment or making a distinction in terms, conditions or privileges of employment because of the disability, the County will assess whether any reasonable accommodation would allow the person to perform the job. An accommodation which creates an undue financial hardship on the County or which endangers health or safety is not a reasonable accommodation. The County will make any reasonable accommodation necessary to allow an otherwise qualified applicant or employee to perform the job.

Any otherwise qualified applicant for employment or employee with a disability who requires reasonable accommodation may inform his or her immediate supervisor or the County Commission of the nature of the disability and the accommodation requested. Employees with access to such information shall maintain the confidentiality of the information to the extent reasonably possible and shall not release the information to anyone who does not have the right or need to know.

#### **Communicable Diseases**

Communicable diseases, including AIDS, are physical disabilities. The County will not discriminate against any applicant for employment or employee based upon communicable disease unless required to do so by the reasonable

demands of the position. Prior to making any distinction based upon communicable disease, the County will evaluate:

- The nature of the risk
- The duration of the risk
- The severity of the risk
- The probability that the disease will be transmitted and cause harm.

The County will evaluate these factors after obtaining the medical judgments of public health officials.

### **Maternity**

The County does not discriminate against any applicant or employee in hiring or in the terms, conditions and privileges of employment based upon pregnancy, childbirth, or related medical conditions.

The County will not terminate any employee due to pregnancy or childbirth.

The County will grant a request by a female employee for a reasonable leave of absence for maternity. A reasonable leave of absence for maternity is leave for that period of time during which a female employee is incapable of performing normal job duties due to maternity. The County may require medical verification of disability.

The County will not require any employee to take a mandatory maternity leave for an unreasonable length of time. If absenteeism due to pregnancy becomes excessive or if a pregnant employee is incapable of performing normal job duties, the County may require the employee to take maternity leave until the employee is capable of performing normal job duties on a regular basis. Prior to requiring maternity leave, the County will assess whether the County can make any reasonable accommodation which will allow the pregnant employee to continue to work.

The County will reinstate an employee who has taken a reasonable leave of absence for maternity to her original job or to an equivalent job with equivalent pay, and accumulated seniority and other benefits.

An employee requiring maternity leave shall provide the County with reasonable notice of the expected date of leave. An employee returning from maternity leave shall provide the County with reasonable notice of her intent to return to work. When the County receives notice of intent to return to work, the County will reinstate the employee as soon as reasonably possible.

### **Religion**

The County will make reasonable accommodation for religious beliefs. Any otherwise qualified applicant for employment or employee who requires reasonable accommodation may inform his or her immediate supervisor or the County Commission of the religious accommodation required. All employees with access to such information shall maintain the confidentiality of the information to the extent reasonably possible and shall not release the information to anyone who does not have the right or need to know.

## **Sexual Harassment**

Sexual harassment of employees and any other persons is prohibited. It is the County's policy to provide employees with a work environment free of sexual harassment.

Sexual harassment includes unwelcome verbal or physical conduct of a sexual nature when:

- Submission to the conduct is implicitly or explicitly made a term or condition of employment
- Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual, or
- The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment also includes harassment directed toward a person because of gender.

Examples of prohibited sexual harassment include, but are not limited to:

- Propositions or pressure to engage in sexual activity
- Sexual assault
- Repeated intentional body contact
- Repeated sexual jokes, innuendos, or comments
- Constant staring or leering
- Inappropriate comments concerning appearance
- Display of magazines, books, or pictures with a sexual connotation
- Pattern of hiring or promoting sex partners over more qualified persons
- Any harassing behavior, whether or not sexual in nature, directed toward a person because of the person's gender, including, but not limited to, hazing employees working in nontraditional work environments.

## **Retaliation**

The County will not retaliate against any applicant, employee, or past employee for opposing unlawful discriminatory practices, filing a discrimination complaint, testifying or participating in any other manner in a discrimination proceeding.

## **Grievance Procedure**

- A. Any employee who believes he/she or another employee has been subjected to a violation of these policies should immediately report the incident to his or her immediate supervisor or the County Commission. If the immediate supervisor is involved in the matter, the employee should inform his or her immediate supervisor's supervisor, or the County Commission.
- B. Any supervisor who receives a report of a violation of these policies shall promptly notify his or her department head and the County Commission.
- C. The department head shall promptly notify the County Commissioners, investigate the complaint, and make a factual report to the Commissioners

as soon as practical after receiving notice of the alleged violation. The investigation shall include, but not necessarily be limited to, interviewing as many persons as possible who have knowledge of the matter and reviewing any relevant documents. The factual report and final decision shall remain confidential and be disseminated only to persons having a right to know, which outweighs the privacy rights of the persons involved.

- D. Upon receipt of a complaint alleging harassment, including, but not limited to, sexual harassment, the Commission shall take steps to prevent the alleged conduct from continuing, pending completion of the investigation.
- E. If the results of the investigation establish that there is insufficient evidence to find that a policy violation occurred, the Commission will inform all parties involved that the matter is concluded. If the results of the investigation establish that a policy violation occurred, the County Commission will take appropriate action, including, but not limited to, disciplinary measures pursuant to the County's Guidelines for Appropriate Conduct Policy, which may include termination.
- F. Neither the County nor any employee will retaliate against any employee for filing a discrimination grievance or for participating in any way in a grievance procedure.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** PERSONNEL APPOINTMENTS

**PURPOSE:** To establish a policy detailing employment categories for County employees

## **STATEMENT OF POLICY**

All County employees shall be assigned by the appropriate County officer to one of the following employment categories (Section 2-18-601 MCA):

### **Permanent**

“Permanent” means an employee, assigned as permanent, who has attained or is eligible to attain permanent status. Permanent employees may be assigned as either full-time (normally working forty (40) hours per week) or part-time (normally working less than forty (40) hours per week).

### **Seasonal**

“Seasonal” means an employee, assigned as seasonal, who performs duties of a seasonal nature. Seasonal employees may, at the discretion of the County, be recalled without the loss of benefits accrued during the preceding season. Seasonal employees may be assigned as either full-time (normally working forty (40) hours per week) or part-time (normally working less than forty (40) hours per week).

### **Temporary**

“Temporary” means an employee, assigned as temporary, who performs temporary duties or permanent duties on a temporary basis for a period of time not to exceed twelve (12) months. Temporary employees are not permanent employees, are terminated at the end of the employment period, and are not eligible to become permanent employees without a competitive selection process. Temporary employees may be assigned as either full-time (normally working forty (40) hours per week) or part-time (normally working less than forty (40) hours per week).

### **Short-term**

“Short-term” means an employee, assigned as a short-term worker, who works at an hourly rate of pay established by the County. Short-term workers may not work for a County department for more than ninety (90) days in a continuous twelve (12) month period. They are not eligible to become permanent employees without a competitive selection process.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** RECRUITMENT AND HIRING PROCESS

**PURPOSE:** To establish a policy and procedure for recruiting, hiring and promoting employees

## **STATEMENT OF POLICY**

It is the policy of the County to recruit, select, and promote personnel without regard to race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap or national origin, except where a bona fide occupational qualification is reasonably necessary to a County operation.

The following procedures should be adhered to by all departments in filling positions:

- A. Requests to fill all vacancies, whether through internal or external recruitment, shall be made to the County Commission as soon as the department head becomes aware of a vacancy. Upon receipt of notification and approval to fill the position, the selection process will begin. The selection process will be coordinated between the County Commission and the department head affected.
- B. A job description should be reviewed or created. A useful guide is the series of job descriptions prepared by the Montana Association of Counties that contain essential functions of positions for the Americans with Disabilities Act purposes.
- C. A determination of minimum education and experience qualifications for the position should be established. These qualifications are normally expressed as the number of years and types of education and experience, which are necessary to allow a person hired to perform the specific duties of the job.
- D. A selection committee consisting of three members should be appointed. The selection committee, in cooperation with the County Commission and department head, will develop the selection strategy for application review, determination of testing methodology, administration of tests and scoring, and reference check criteria. The selection strategy should be developed in advance of the job posting, including questions, model answers, assignment of test weights, and total points and minimum passing scores.
- E. Selection strategy may include one or more of the following devices:
  - 1. County applications / supplemental questionnaires
  - 2. Written, oral and/or performance tests
  - 3. Assessment centers, job simulation or job performance exercises
  - 4. Final interviews
  - 5. Reference checks (It is suggested that only the top applicant should have his/her references checked. The reference check should be used to verify work history and academic records.)

Reasonable accommodations shall be made for disabled applicants to allow participation in the selection process.

The County may recruit for vacant positions internally before recruiting externally. Positions will be posted internally for at least five (5) working days.

The County may also recruit externally. Internal applicants who meet the minimum qualifications will be evaluated with the total pool of applicants. The County reserves the right to reject any and all applications for the position and re-advertise if there are not sufficient qualified applicants.

Applications (Addendum C) for a posted position will not be accepted after the published closing and/or receipt date.

In all external hiring, veterans are entitled to a 5% preference and eligible relatives and disabled veterans are entitled to a 10% preference when a scored procedure is used. In all external hiring, where a scored procedure is not used, disabled veterans, eligible relatives or veterans, in that order, are entitled to a preference over any non-preferred applicant holding substantially equal qualifications. (Section 38-29-102 MCA)

In all external hiring, persons with a disability and their eligible spouses are entitled to a preference in hiring over other non-preference applicants with substantially equal qualifications. Persons with a disability are entitled to a preference over any other preference-eligible applicants with substantially equal qualifications.

Job offers shall be made in writing by the County Commission and appropriate department head. A job offer should specify whether the job is permanent, temporary, seasonal or a short-term position and whether the job is full- or part-time. The offer should also specify the position, title, grade, salary, work location, starting date and hours of work.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** NEPOTISM

**PURPOSE:** To comply with the Montana nepotism laws

## **STATEMENT OF POLICY**

It is County policy that no person, member of a board or commission, or department head shall hire or appoint any person related or connected by consanguinity within the fourth degree or by affinity within the second degree to any position in county government.

A person connected within the fourth degree of consanguinity includes: parent, child, grandparent, brother or sister, grandchild, great grandparent, uncle or aunt, nephew or niece, great grandchild, great great grandparent, great uncle or aunt, first cousin, grand nephew or niece, and great great grandchild.

A person connected within the second degree of affinity includes: father-in-law, mother-in-law, daughter-in-law, son-in-law, grandparent-in-law, brother-in-law (wife's or husband's brother) and his wife, sister-in-law (wife's or husband's sister) and her husband and husband or wife of grandchild.

The prohibition does not apply to sheriffs appointing cooks and/or attendants, employment of election judges, or the renewal of an employment contract for a relative initially hired before a related member assumed duties of the office.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** PROBATION PERIOD

**PURPOSE:** To establish policy and procedure for a probation period for new employees and current employees who transfer to new positions

## **STATEMENT OF POLICY**

Employees, including transferred or promoted employees (except temporary employees and short-term workers), in full-time or part-time positions must serve a six-month period of probation. Short-term workers and temporary employees are continually on probation. Deputy sheriffs serve a probation period of one year pursuant to Section 7-32-2105 MCA. An undersheriff holds office at the pleasure of the sheriff.

During the established probationary period, the County reserves the right to terminate the probationary employee's service on the basis of unsatisfactory performance or for reasons deemed sufficient by the County. An employee, whose work or actions are unsatisfactory, should be terminated as soon as possible. Early termination saves the County time and dollar investments and saves the employee possible embarrassment and frustration. A terminated probationer shall be notified in writing by the appropriate department head. A copy of the notification shall be retained in the personnel file.

Evaluations may be conducted during the probation period to assess performance and to advise the employee of expectations regarding performance. If the employee successfully completes the probation period, he/she shall be informed in writing by the appropriate department head.

Under unusual circumstances, the probationary period may be extended in writing by the appropriate department head.

If a transferred or promoted employee fails to satisfactorily complete the new probationary period, the employee shall revert to his/her former position, if the position is unfilled and a selection process has not begun. If the former position has been filled or the selection process has begun, the employee is eligible to apply for other available positions which are posted or advertised pursuant to the County recruitment and hiring process. The employee shall receive no preference in the selection process. A promoted or transferred employee reverted to his/her former position shall not be required to serve a new probation period. A promoted or transferred employee reverted to another position shall be required to serve a new probation period.

If a situation arises during an employee's probationary period for which a leave is granted, the time off will not be considered as time worked.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** PERFORMANCE APPRAISAL

**PURPOSE:** To provide an optional performance appraisal system for use as part of documentation in personnel decisions

## **STATEMENT OF POLICY**

There may be regular performance appraisals, from time to time, of permanent and seasonal full-time and part-time employees.

The primary purpose of an employee performance appraisal system is to provide the opportunity for the employee and the supervisor to discuss the employee's job performance during the preceding evaluation period and to communicate job goals and objectives. Performance evaluations may be used to assist in decisions affecting promotions, demotions, dismissals, layoffs, reemployment, salary increases and training. Completed appraisal forms shall be returned to the Clerk and Recorder's Office by the department head.

A special evaluation may be completed whenever there is a change either upward or downward in the employee's performance.

If the employee disagrees with an appraisal, the employee has the right to submit, within ten (10) working days of receipt of the appraisal, a written rebuttal, which will be attached to the appraisal document.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** POSITION DESCRIPTIONS

**PURPOSE:** To provide for position descriptions for all County positions

## **STATEMENT OF POLICY**

Position descriptions and job specifications shall be maintained by the various departments for all permanent full-time, permanent part-time, temporary, seasonal and short-term worker positions.

The position description does not constitute an employment agreement between the County and employee. It is subject to change as the needs of the County and the requirements of the job change.

Examples of duties listed in the position description are intended only as illustrations of the various types of work performed. The omissions of specific statements of duties do not exclude them from the position if the work is similarly related or a logical assignment to the position.

Each employee's position description is maintained as part of his/her personnel file. Additional copies of position descriptions may be requested through the department head.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** TIME SHEETS / PREPARATION OF PAYROLL

**PURPOSE:** To establish guidelines for preparation of employee time sheets and County payrolls

## **STATEMENT OF POLICY**

Time sheets are to be completed by all employees. The time sheet shall include:

- Employee name
- Employee number
- Department
- Pay period
- Hours to be compensated, broken down on a daily basis into hours worked
- Holiday time
- Sick leave,
- Compensatory time
- Vacation
- Leave without pay, etc.
- Employee signature
- Supervisor's signature.

Paychecks will be distributed to the employee's department head unless other arrangements have been pre-approved. An employee's paycheck may be released to the employee's spouse, designated family member, or another person only if authorized in writing by the employee.

Payroll records shall be maintained by the County for a minimum of seven years.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** EMPLOYEE PERSONNEL RECORDS

**PURPOSE:** To establish procedures and responsibilities for the maintenance of employee personnel records

## **STATEMENT OF POLICY**

- A. Establishment of procedures and responsibilities for the maintenance of personnel records
  - 1. The Clerk and Recorder or an other individual designated by the County Commission is responsible for establishing and maintaining an official personnel file for each County employee.
  - 2. All employee personnel records are confidential and access is restricted, except for an employee's title, dates and duration of employment and salary.
  - 3. Access to the files will only be allowed if the Clerk and Recorder or a designated individual finds that the merits of public disclosure overrides the individual's right to privacy.
  - 4. Department heads are responsible for the forwarding of documents for inclusion in the personnel files of those employees assigned to their department.
  - 5. Each employee is responsible for the verification of information contained in the personnel file through periodic audit. A management representative must be present when the file is audited.
  - 6. Separate personnel files shall not be maintained by individual departments.
  - 7. No materials in a personnel file may be removed from the Clerk and Recorder's office.
- B. Identification of information to be included in the employee's personnel file
  - 1. The following permanent documents are retained in the folder throughout the association of an employee with the County:
    - a. Employee Application and resume
    - b. Job description and specification information
    - c. Job performance ratings and evaluations
    - d. Education / training information
    - e. Personnel data card
    - f. Personnel action forms

- g. Documentation of disciplinary action or warning of same
    - h. Information of a confidential nature pertaining to medical information and withholding authorizations. (This information is retained in a separate file which is available only to the employee and department head.)
  - 2. The following temporary personnel documents have limited retention of three (3) calendar years or less unless otherwise provided pursuant to labor agreement.
    - a. Administrative correspondence relating to leave / vacation requests
    - b. All other administrative documents of limited informational life span.
- C. Establishment of procedures for the release and accessibility of information and audit of the personnel files
- 1. Personnel must treat as confidential all employee information except for requests to verify information relating to job title, department, salary, and dates of employment.
  - 2. Access to information contained in the personnel file will be limited to the County Commission, County Attorney, personnel officer, respective department heads, immediate supervisor, the individual employee, employees attorney, or attorney representing the county regarding employment matter. Files pertaining to employees who are bona fide candidates of interdepartmental transfer or termination may be reviewed by the prospective gaining department head.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** SICK LEAVE

**PURPOSE:** To establish guidelines to comply with the Montana law on qualification, accrual and use of sick leave

## **STATEMENT OF POLICY**

Accumulated sick leave credits are valuable free health insurance that maintains an employee's income during a period of personal illness or family emergency. Sick leave credits should be carefully guarded and not dissipated or abused.

### **Qualification and Calculation**

Employees are not entitled to be paid sick leave until they have been continuously employed for ninety (90) days.

Permanent, temporary and seasonal full-time employees earn sick leave credits from the first full day of employment at the rate of one (1) working day per month without restriction as to the number of working days which may be accumulated. For calculating sick leave credits, 2,080 hours (52 weeks x 40 hours) equals one year. Sick leave credits shall be earned and credited at the end of each pay period.

Permanent, temporary and seasonal part-time employees earn prorated sick leave credits from the first full day of employment. Prorated sick leave credits are calculated by multiplying .046 x hours worked. Credits are to be recorded by rounding to two digits beyond the decimal point and carried in each employee's account in that configuration.

Short-term workers do not earn sick leave credits.

### **During Leave Without Pay, Holiday, or Vacation**

Employees do not accrue sick leave credits during a leave of absence without pay.

Sick leave taken on a legal holiday shall not be charged to an employee's sick leave for that day.

With the department head's approval, an employee may substitute sick leave credits for annual vacation leave, if the employee becomes sick while on approved annual vacation leave.

Advancing sick leave after an employee's earned sick leave credits have been exhausted is prohibited.

### **Payment Upon Termination**

Upon termination, an employee who has worked the qualifying period shall be entitled to a lump sum payment in an amount equal to one quarter (1/4) of the amount attributed to accumulated sick leave. Termination pay will only apply to those credits earned since

July 1, 1971. The pay attributed to the accumulated sick leave shall be computed on the basis of the employee's regular rate of pay at the time of termination of employment with the County.

### **Use of Sick Leave**

Employees may use sick leave credits for:

- A) Illness or injury of the employee
- B) Illness or injury in the employee's immediate\* family requiring the employee's personal attendance
- C) Quarantine for contagious disease control, provided that certification is obtained from the attending physician
- D) Maternity related disability, including prenatal and postnatal care, birth, miscarriage, abortion, or other medical care for either employee or child
- E) Doctor or dental appointments for treatment of the employee's illness, injury or preventive care (When possible, the employee's supervisor shall be notified at least 48 hours in advance.)
- F) To attend or make arrangements for a funeral of a member of the employee's immediate\* family for a period of time not to exceed four (4) consecutive calendar days except that such leave may be extended to five (5) consecutive calendar days if the funeral which the employee attends is more than 500 miles from the workplace.

\* "Immediate" family means the employee's spouse and any member of the employee's household or any parent, child, grandparent, grandchild or corresponding in-law.

### **Reporting**

Absences which will necessitate use of sick leave shall be reported by the employee to the supervisor or department head as soon as practical. Failure to report such leave within two (2) hours of employee's regularly scheduled starting time may be considered absence without approved leave. Absences are grounds for disciplinary action.

### **Abuse**

Abuse of sick leave may be cause for dismissal, forfeiture of payment for accumulated sick leave, or other disciplinary action. The employee's supervisor may require an employee to submit a medical certification signed by a licensed physician to substantiate use of sick leave.

### **Medical Certification**

When an employee is returning to duty following an illness or absence due to injury, or whenever the department head has reason to question the employee's ability to return to duty and perform his/her duties, the department head may require a medical certification of the employee's fitness to return to duty. The department head may also require medical certification that the employee does not impose a direct threat to the health or safety of himself/herself or others.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** SICK LEAVE FUND

**PURPOSE:** To establish a sick leave fund and to provide for direct grants of sick leave to employees suffering an extensive illness or accident

## **STATEMENT OF POLICY**

A sick leave fund is established to allow County employees to share accrued sick leave between employees and the pooling of sick leave according to the following procedures. Shared and pooled sick leave may be available to a qualifying employee who suffers an extensive illness or accident.

### **Prohibited Uses**

- A. No sick leave accrued prior to July 1, 1971, may be contributed to the sick leave fund or provided as direct grants.
- B. An employee shall not receive direct grants of sick leave or a grant from the sick leave fund:
  - 1. if the employee is eligible for worker's compensation benefits
  - 2. if the employee is not longer employed by the County
  - 3. while the employee is on a leave of absence without pay for a reason other than extensive illness or accident
  - 4. to provide care or attendance to an immediate family member.

### **Membership in Sick Leave Fund**

- A. A full-time or part-time employee in a County position designated as permanent or seasonal
- B. To enroll in the sick leave fund, an employee must:
  - 1. have completed the ninety (90) day qualifying period to take sick leave (Section 2-18-618(1) MCA)
  - 2. have a minimum balance of 40 hours of sick leave credited to the employee's account. The minimum balance for a part-time employee shall be prorated.
  - 3. contribute at least eight (8) hours of accrued sick leave to the sick leave fund. The initial contribution for part-time employees shall be prorated.
- C. An employee may contribute a combined total of not more than 40 hours of sick leave either to the sick leave fund or as direct grants in a twelve (12) month period. The twelve (12) month period is calculated from the first day the employee contributes to the fund or makes a direct grant. At the time of termination, there is no limit on the amount of sick leave an employee may contribute to the fund.
- D. An employee meeting these requirements may enroll in the sick leave fund at any time.

- E. All contributions to the sick leave fund shall be voluntary and irrevocable.
- F. Participation in the fund constitutes the employee's agreement to abide by all rules related to the sick leave fund.
- G. An employee remains a member of the sick leave fund unless or until the employee:
  - 1. fails to authorize an additional contribution
  - 2. terminates employment with the county
  - 3. resigns in writing from the fund at any time

### **Eligibility to Receive Grants From Sick Leave Fund**

- A. A participating employee who meets the eligibility requirements of this procedure may receive no more than a maximum of 160 hours of sick leave in any continuous twelve (12) month period in grants from the sick leave fund. Leave approved for a part-time employee shall be prorated. The maximum allowable benefit in any twelve (12) month period from either grants from the fund or direct grants is 160 hours.
- B. The twelve (12) month period is calculated from the first day the employee takes sick leave which is a grant from the sick leave fund or a direct grant.
- C. No employee is eligible to receive a grant of sick leave from the sick leave fund without the approval of the department head or designee.
- D. Participation in the sick leave fund or meeting the eligibility requirements of this procedure does not guarantee that receipt of sick leave shall be approved in any specific case by the department head.
- E. To be eligible to receive a grant from the sick leave fund, an employee must:
  - 1. have met the ninety (90) day qualifying period to take sick leave (Section 2-18-618(1) MCA)
  - 2. suffer an extensive illness or accident which results in absence from work of no less than ten (10) consecutive working days
  - 3. exhaust all personally accrued sick leave, annual leave, all other accrued paid leave, and compensatory time
  - 4. receive approval from the supervisor for leave of absence
  - 5. receive approval from the department head or designee to receive a grant or direct grant of sick leave
  - 6. provide to the employing agency a physician's certification of extensive illness or accident
  - 7. have been a member of the sick leave fund for ninety (90) days.
- F. If an employee is incapacitated and unable to apply for leave of absence and a grant from the sick leave fund, another person may do so for the employee.

- G. Participation in the sick leave fund does not prohibit an agency from terminating an employee.

**Eligibility to Make a Grant**

- A. To be eligible to make a direct grant of sick leave, an employee shall have completed the ninety (90) day qualifying period to take sick leave (Section 2-18-618(1) MCA) and shall have a minimum balance of forty (40) hours of accrued sick leave credited to the employee's account. The minimum balance for a part-time employee shall be prorated.
- B. An employee may directly grant a maximum of forty (40) hours of accrued personal sick leave in any continuous twelve (12) month period to another employee. An employee may contribute no more than a combined total of forty (40) hours of sick leave to either the sick leave fund or as direct grants in any twelve (12) month period. The twelve (12) month period is calculated from the first day an employee makes a direct grant or contribution to the sick leave fund. If the employee's leave balance falls below forty (40) hours, the employee will not be eligible to make a direct grant. The employee may not reduce the leave balance below forty (40) hour by making direct grants.
- C. An employee may make a direct grant of sick leave to an employee in any County department.

**Eligibility to Receive Direct Grants**

- A. An employee may receive no more than a maximum of 160 hours of sick leave in any continuous twelve (12) month period in direct grants. Leave granted to a part-time employee shall be prorated. The maximum allowable benefit in any twelve (12) month period from either direct grant or grants from the sick leave fund is 160 hours.
- B. The twelve (12) month period is calculated from the first day the employee takes sick leave which is a direct grant or a grant from the sick leave fund.
- C. No employee is eligible to receive direct grants of sick leave without the approval of the department head or designee.
- D. If an employee is incapacitated and unable to apply for leave of absence or direct grants, another person may do so on behalf of the employee.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** ANNUAL VACATION LEAVE

**PURPOSE:** To establish guidelines to comply with Montana law on qualification, accrual and use of annual vacation leave

## **STATEMENT OF POLICY**

Employees earn annual vacation leave credit as follows:

- A. From the first full day of employment through ten (10) years of service at the rate of fifteen (15) working days.
- B. From ten (10) years through fifteen (15) years of service at the rate of eighteen (18) working days.
- C. From fifteen (15) years through twenty (20) years of service at the rate of twenty one (21) working days.
- D. After twenty (20) years of service at the rate of twenty four (24) working days.

For calculating annual vacation leave credits, only regular hours shall be considered and 2,080 hours shall equal one year. Proportionate annual vacation leave credits shall be earned and credited at the end of each pay period.

Annual vacation leave credits shall not accrue during a leave of absence without pay. Annual vacation leave taken on a legal holiday shall not be charged to an employee's annual vacation leave for that day. Absence from employment because of illness shall only be charged against annual vacation leave credits at the employee's request.

Annual vacation leave credits shall not be advanced after an employee's vacation leave credits have been exhausted.

Annual vacation leave may be accumulated to a total not to exceed two (2) times the maximum number of days earned annually as of the end of the first pay period of the next calendar year. Excess annual vacation leave shall be forfeited if not taken within ninety (90) days from the last day of the calendar year in which the excess was accrued. If the employee submits a reasonable request to use the excess annual vacation leave prior to March 30<sup>th</sup> of any given year and such request is denied, the employee shall not forfeit the leave and will have until the end of the calendar year to use the excess annual vacation leave. It is the responsibility of the County to ensure that the employee may use the excess annual vacation leave before the end of the calendar year in which the leave would have been forfeited.

Persons employed in two or more positions shall accrue annual vacation leave in each position according to the number of hours worked. Leave shall be used only from the position in which earned in proportion to the number of hours normally scheduled and must be approved by the department head in authority over the position.

### **Payment on Termination**

Upon termination with the County for reasons not reflecting discredit on the employee, an employee who has worked the qualifying period will be paid for unused annual vacation leave credits at the rate of pay in effect at the time of termination. Vacation time may not be used to delay the effective date of termination.

### **Scheduling**

Scheduling of annual vacation leave shall be accomplished by an agreement between the supervisor and employee, giving consideration to the best interests of the County and the employee.

### **Permanent Full-Time**

Permanent full-time employees earn annual vacation leave credits from the first day of employment. (Section 2-18-611 MCA) They are not entitled to annual vacation leave pay until they have been employed six (6) calendar months.

### **Permanent Part-Time**

Permanent part-time employees earn prorated annual vacation leave credits from the first day of employment. (Section 2-18-611 MCA) They are not entitled to annual vacation leave pay until they have been employed for six (6) calendar months. Prorated annual vacation leave credits are calculated from the following schedule multiplied by the hours in pay status in the pay period.

<u>Years of Employment Completed</u>	<u>Hours in the pay status in the pay period</u>
0-10 years	.058 x number of hours
10-15 years	.069 x number of hours
15-20 years	.081 x number of hours
20+ years	.092 x number of hours

Prorated annual vacation leave credits are to be reported by rounding to two digits beyond the decimal point and carried in each employee's account in that configuration.

### **Temporary Full-Time**

Temporary full-time employees receive the same annual vacation leave credits as permanent full-time employees provided they have been employed for six (6) months. (Section 2-18-611 MCA)

### **Temporary Part-Time**

Temporary part-time employees receive the same prorated annual vacation leave credits as permanent part-time employees provided they have been employed for six (6) months. (Section 2-18-611 MCA)

### **Seasonal Full-Time**

Seasonal full-time employees receive the same annual vacation leave benefits as permanent full-time employees, provided they have been employed for six (6) months. In order to qualify, they must be recalled and immediately report back for work when operations resume in order to avoid a break in service. (Section 2-18-611 MCA)

**Seasonal Part-Time**

Seasonal part-time employees receive the same annual vacation leave benefits as permanent part-time employees, provided they work the qualifying six (6) months. In order to qualify, they must be recalled and immediately report back to work when operations resume. (Section 2-18-611 MCA)

**Short-Term**

Short-term workers do not receive annual vacation leave credits. (Section 2-18-611 MCA)

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** MILITARY LEAVE

**PURPOSE:** To provide for military leave of absence with pay for training or encampments and to provide for reinstatement

## **STATEMENT OF POLICY**

An employee who is a member of the organized militia of the State of Montana or who is a member of the organized or unorganized reserve corps or military forces of the United States and who has been an employee for a period of at least six (6) months shall be given a leave of absence with pay for a period of time not to exceed fifteen (15) working days in a calendar year for attending regular encampments, training cruises, and similar training programs of the organized militia or of the military forces of the United States. Military leave shall not be used for weekend drills. This leave will not be charged against the employee's annual leave. Reinstatement privileges of an employee who has been inducted into military service as provided for under State and/or Federal law will be followed.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** JURY DUTY OR WITNESS LEAVE

**PURPOSE:** To establish guidelines for jury duty and for witness leave

## **STATEMENT OF PURPOSE**

County employees shall be eligible to serve as a witness or on jury duty when properly subpoenaed or summoned.

An employee who receives notice of jury duty or witness service must notify his/her supervisor as soon as possible in order that arrangements may be made to cover the position.

An employee on authorized jury duty or witness leave shall receive his/her normal daily wage. The employee shall collect all fees and allowances payable as a result of serving on jury duty or as a witness and forward the fees to the Clerk and Recorder. Any expense or mileage allowance paid by the court shall be retained by the employee.

If an employee elects to charge juror or witness time off against annual leave or compensatory time, the employee shall not be required to remit to the county any fees or allowances paid by the court.

A part-time employee will receive prorated compensation for those hours the employee is scheduled to work.

Employees are to return to work after jury duty, although no more than the regularly scheduled number of hours for both jury duty and work shall be required. If excused as a juror, the employee is expected to contact the supervisor and report to work as instructed.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** MATERNITY LEAVE

**PURPOSE:** To provide a policy for the uniform administration of maternity leave

## **STATEMENT OF POLICY**

Employees may request the use of annual vacation leave, sick leave, compensatory time or other appropriate paid leave, or leave without pay, for necessary absences due to maternity related disabilities.

Under Montana Law, it is unlawful for an employer to:

- A. Terminate a woman's employment because of her pregnancy
- B. Refuse to grant an employee a reasonable leave of absence for such pregnancy
- C. Deny an employee who is disabled as a result of pregnancy any compensation to which she is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by her employer, provided that the employer may require disability as a result of pregnancy to be verified by medical certification that the employee is not able to perform her employment duties
- D. Require that an employee take a mandatory maternity leave for an unreasonable length of time. Maternity leave shall be treated the same as any other leave, except that eligibility for maternity leave shall not require employment for any specified period of time.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** LEAVE OF ABSENCE WITHOUT PAY

**PURPOSE:** To establish procedures by which an employee may request a leave of absence without pay

## **STATEMENT OF POLICY**

Requests for leave of absence without pay shall be in writing and shall state specifically the reasons for the request, the date desired to begin the leave and the date of return. The request shall be submitted by the employee to the affected department head. The department head shall make a decision based upon the best interest of the County, giving due consideration to the reasons given by the employee and the requirements of any applicable state and Federal laws.

A department head may grant a permanent, temporary or seasonal full-time or part-time employee a leave of absence without pay not to exceed ninety (90) calendar days. An extension of the approved leave, not to exceed ninety (90) calendar days may be approved by the department head. No sick leave, holiday annual vacation benefits or any other fringe benefits shall accrue while an employee is on leave of absence without pay. An employee may continue to participate in the County insurance plan, however 100% of the premiums are to be paid by the employee in a manner prescribed by the Plan Administrator.

(Refer to Family and Medical Leave Section of this handbook for situations involving the Family and Medical Leave Act of 1993.)

Upon expiration of the approved leave of absence, the employee shall be reinstated to the same class and rate of pay, unless otherwise mutually agreed to by the County and the employee.

Employees who fail to return to work on the next working day following the expiration of the approved leave are subject to disciplinary action including termination.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** FAMILY AND MEDICAL LEAVE

**PURPOSE:** To provide a procedure for use of Federal Family and Medical Leave Act benefits for County employees

## **STATEMENT OF POLICY**

The County has adopted the following policy to establish the procedures and criteria for providing family and medical leave under the Federal Family and Medical Leave Act (FMLA) of 1993. Employees who are qualified are eligible to receive up to twelve weeks of paid or unpaid, job protected, leave for certain family and medical reasons.

### **Eligibility**

To be eligible for FMLA leave, the employee must have worked for the County for a minimum total of twelve (12) months and for at least 1,250 hours during the twelve (12) month period immediately preceding the leave. If the County employs fewer than fifty (50) employees at the worksite or within 75 miles, an employee is not eligible for leave.

### **Duration**

Eligible employees may take up to twelve (12) weeks of leave within a twelve calendar month period, which begins January 1 of each year. The twelve weeks of leave may be taken in a single block of time, or, if medically necessary, on an intermittent basis or on a reduced schedule. When the leave is taken for childbirth or placement of a child for adoption or foster care, intermittent or reduced leave schedules are subject to approval.

### **Purpose of Leave**

An eligible employee will be granted up to twelve (12) weeks of FMLA leave for any of the following reasons:

- A. For the birth of a child and to care for the newborn child
- B. For the placement of a child with the employee for adoption or foster care
- C. For the care for a spouse, child or parent with a serious health condition
- D. For a serious health condition that makes the employee unable to perform the functions of the employee's job.

### **Serious Health Condition**

A "serious health condition" is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or treatment by a health care provider. "Serious health conditions" are:

- A. An illness that requires the person to be hospitalized
- B. An illness that keeps a person away from his/her normal activities for three consecutive days if treated at least twice by a health care professional during that period
- C. An illness lasting three days or more that requires at least one visit to a physician and a regimen of continuing treatment
- D. Any period of incapacity due to pregnancy or childbirth
- E. A permanent or long-term problem supervised by a physician where there is not effective Treatment, such as Alzheimer's, severe stroke, terminal stages of disease

- F. Any period of incapacity due to a chronic and serious health condition (one that requires occasional visits for treatment by a health care provider, continues over an extended period of time, and may cause episodes of illness)
- G. Treatment for a condition that could result in an illness of more than three consecutive days in the absence of medical treatment, such as cancer (chemotherapy, radiation), severe arthritis (physical therapy) or kidney disease (dialysis).

### **Notice and Certification**

Employees are required to provide advance notice of leave requests whenever possible. Thirty (30) days notice is required when the need for leave is foreseeable. When advance notice is not possible, the employee must provide notice as soon as practical. Requests for FMLA leave must be made in writing to the department head. The department head must promptly (within two (2) business days, absent extenuating circumstances) notify the employee of the employer's response to the request for FMLA leave. The department head should use Form WH-381. (Addendum B)

### **Use of Paid Leave**

Employees must use accrued sick leave concurrently with Family and Medical Leave Act, if the leave meets the conditions of the County Sick Leave Policy. The hours used will be counted against the employee's Family and Medical Leave Act entitlement. Employees may use accrued annual vacation leave and exempt compensatory time concurrently with the Family and Medical Leave Act leave. The hours used will be counted against the employee's Family and Medical Leave Act entitlement. Employees may also use non-exempt compensatory time for Family and Medical Leave Act leave. These hours will not be counted against the Family and Medical Leave Act entitlements.

### **Health Benefits**

An employee's health insurance coverage will be continued at the same level he/she had prior to the use of FMLA leave. Employees who pay a portion of the contribution costs for dependent coverage for health benefits or other insurance coverage are required to self-pay those costs to maintain coverage during the FMLA leave. If an employee fails to return to work following a FMLA leave, the employee may be liable for repayment of health benefits contributions paid by the County during the employee's unpaid FMLA leave. Repayment may be waived in situations where the continuing serious health condition or circumstances beyond the control of the employee prevents the employee from returning to work.

### **Reinstatement**

An employee returning to work following a FMLA leave will be returned to the same or equivalent position with equivalent pay as when the leave began. The use of FMLA leave will not result in the loss of any employment benefit accrued prior to the start of an employee's leave.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** HOLIDAYS AND BENEFITS

**PURPOSE:** To provide guidelines for administration of the Montana law on holidays

## **STATEMENT OF POLICY**

Legal holidays shall be observed by County employees without loss of pay.

The following are legal holidays:

A.	New Years Day	January 1
B.	Martin Luther King, Jr. Day	Third Monday in January
C.	Lincoln's and Washington's Birthday	Third Monday in February
D.	Memorial Day	Last Monday in May
E.	Independence Day	July 4
F.	Labor Day	First Monday in September
G.	Columbus Day	Second Monday in October
H.	Veterans' Day	November 11
I.	Thanksgiving Day	Fourth Thursday in November
J.	Christmas Day	December 25
K.	State General Election Day	November, even numbered years
L.	Each Sunday	

### **Holidays Falling on Weekends**

If any holiday falls upon a Sunday, the Monday following is a holiday. When a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday, except as provided for in the next paragraph.

The employee shall receive holiday benefits and pay for work performed on the day the holiday is observed, unless the employee is scheduled or required to work on the actual holiday. If the employee is scheduled or required to work on the actual holiday, the actual holiday shall be considered as the holiday for purposes of calculating holiday benefits and pay for work performed on a holiday. The employee will receive either holiday benefits for working on the day the holiday is observed or for working on the actual holiday, but not both.

### **Benefits and Eligibility Requirements**

An eligible employee shall receive holiday benefits for legal holidays. This benefit is paid time off or pay at the regular rate. Holiday benefits shall not exceed eight hours per holiday.

Holiday benefits are calculated based on an employee's regular schedule. For purposes of this policy, changes to an employee's schedule which extend beyond one pay period are changes to the regular schedule.

An employee must be in a pay status either the last regularly scheduled working day before or the first regularly scheduled working day after the holiday is observed to be eligible to receive holiday benefits.

An employee shall not be eligible to receive holiday benefits if:

- A. the employee is a new employee to County government and begins work on the day after a holiday is observed; or
- B. the employee is reinstated or re-employed following a reduction in force, returns to work following a leave of absence without pay of more than one pay period or a disciplinary suspension, or is called back to seasonal or temporary employment on the day after a holiday is observed.

A short-term worker is not eligible to receive holiday benefits.

### **Full-Time Employee Benefits**

A permanent, temporary or seasonal full-time employee, whose regular schedule calls for the employee to work on the day a holiday is observed, shall receive eight (8) hours of holiday benefits. The employee usually receives the holiday off; however, the County reserves the right to require an employee to work on the day a holiday is observed. The employee shall be compensated for work performed on a holiday in addition to holiday benefits.

A permanent, temporary or seasonal full-time employee, whose regular schedule calls for a day off on the day a holiday is observed, shall be entitled to receive a day off with pay on the day preceding the holiday or on another day following the holiday in the same pay period or as requested by the employee and approved by the supervisor, whichever allows a day off in addition to the employee's regularly scheduled days off. (Section 2-18-603 MCA) If a day off cannot be provided, the County may provide eight (8) hours of pay at the regular rate.

### **Part-Time Employee Benefits**

Part-time permanent, temporary or seasonal employees receive holiday benefits on a prorated basis. (Sec. 2-18-603 MCA)

Holiday benefits shall be an average of the employee's hours regularly scheduled to work in the pay period. To find the average, the number of hours regularly scheduled to work in a pay period in which the holiday falls shall be divided by ten (the number of working days in a pay period). Holiday benefits shall not exceed eight (8) hours.

If the pay period in which the holiday falls is not characteristic of the employee's regular schedule, the County has the discretion to approximate the employee's schedule for purposes of determining holiday benefits.

The employee usually receives the holiday off; however, the County reserves the right to require a part-time employee to work on the day a holiday is observed. The employee shall receive holiday benefits as provided in this rule and shall be compensated for work performed on a holiday as provided in the next paragraph.

### **Pay for Work Performed on a Holiday**

An employee who is designated as non-exempt under the Fair Labor Standards Act (FLSA) and who works on the day a holiday is observed shall be paid for all hours actually worked. In addition to the holiday benefit provided for in this rule, the employee shall receive either a paid day off at the regular rate or pay as described below, at the County's discretion.

- A. If the holiday benefit is a paid day off to be taken at a later date, the employee shall receive pay at the regular rate for every hour worked on the holiday.
- B. If the holiday benefit is to be pay, but no day off, the employee shall also receive premium pay (regular rate x 1.5) for all hours worked on the holiday.

If an employee does not work a regular schedule and is called in to work on the holiday, the employee shall receive pay at the regular rate for every hour work on the holiday.

Hours worked on a holiday may result in more than forty (40) hours in a pay status during the workweek. An employee shall not receive both premium pay and overtime pay for the hours worked on a holiday. If the County provides pay at the regular rate for hours worked on the holiday or paid time off on an hour-for-hour basis, the employee shall receive overtime or compensatory time for the hours over forty (40) in a workweek, in compliance with the overtime and compensatory time policy.

An employee who is exempt from the FLSA and who receives approval to work on the holiday will receive paid time off equivalent to the number of hours worked.

Equivalent paid time off for work performed on a holiday may be taken at a later date upon request by the non-exempt employee and approval of the supervisor. When an employee requests to take the hours off and where the interest of the County requires the employee's attendance, the County's interest overrides the employee's.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** OVERTIME AND COMPENSATORY TIME

**PURPOSE:** To establish guidelines for the recording, use and auditing of overtime and compensatory time

## **STATEMENT OF POLICY**

### **Non- Exempt Overtime Pay**

Non-exempt employees (an employee in a position not meeting the definition of exempt as defined by the Fair Labor Standards Act, Montana Minimum Wage and Overtime Compensation Act and listed in Addendum A) may receive overtime compensation for hours worked in excess of forty (40) hours per week at the rate of 1½ times the regular hourly rate of pay. Absences while in a leave status (e.g., annual leave, sick leave, holiday leave, personal leave, etc.) shall not be considered hours worked for the purpose of calculating overtime payments.

### **Non-exempt Compensatory Time**

Non-exempt employees may receive compensatory time off in lieu of overtime payment if mutually agreed upon in writing between the employee and the department head. Compensatory time for non-exempt employees shall be earned at the rate of 1½ hours for each hour worked in excess of forty (40) hours per week. Employees may accrue a maximum of forty (40) compensatory time hours. Employees, who have accrued compensatory time and requested use of this compensatory time, shall be permitted to use the time off within a “reasonable time” after making the request, if the use does not “unduly disrupt” the operations of the County. An employee shall, upon termination of employment, be paid for unused accumulated compensatory time.

### **Exempt Compensatory Time**

Exempt employees may receive compensatory time off for hours worked in excess of forty (40) hours per week at the rate of one hour for each hour worked in excess of forty (40). Exempt employees may accrue a maximum of forty (40) compensatory hours. The department head shall give prior written authorization for all hours worked in excess of forty (40) per week. No compensation for unused compensatory time shall be allowed at any time. (Exempt employees are identified in Addendum A of these policies.)

The department head shall have the authority to approve overtime and compensatory time. No employee shall work overtime or compensatory hours without the prior knowledge and written approval of the department head. An authorization form will be required for overtime and compensatory hours worked.

### **Record Keeping**

Department heads shall ensure that all overtime and compensatory time earned and used is recorded on the employee’s time card as it occurs.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** WORKERS' COMPENSATION

**PURPOSE:** To inform employees of workers' compensation coverage and benefits

## **STATEMENT OF POLICY**

The County provides every employee with wage supplement and medical benefits for work-related injury or disease covered under the Montana Workers' Compensation Act or the Occupational Disease Act.

Every work-related injury should be reported immediately to the injured employees supervisor, and be reported by state law, within thirty (30) calendar days after the occurrence to the supervisor.

Benefits for compensable injuries are governed by state law, and include wages, medical, hospital and related services and other compensation.

Wage loss benefits begin after a six (6) day waiting period. Employees may use accrued annual or sick leave benefits to cover wage loss during the six-day waiting period.

Criminal proceedings may be initiated against a person who obtains or assists in obtaining workers' compensation benefits to which the person is not entitled.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** GUIDELINES FOR APPROPRIATE CONDUCT

**PURPOSE:** To establish a policy to inform management and employees of behavior and conduct which is prohibited and can lead to disciplinary action

## **STATEMENT OF POLICY**

As an integral member of the County team, employees are expected to accept certain responsibilities and adhere to acceptable business practices. This not only involves sincere respect for the rights and feelings of others but also demands that in public life employees refrain from any behavior that might be harmful to self, co-workers, and/or the County, or that might be viewed unfavorably by the public at large.

Employee conduct reflects on the County. Employees, consequently, are encouraged to observe the highest standards of professionalism at all times.

Listed below are types of performance, behavior and conduct which are prohibited. This list should not be viewed as being all-inclusive. Types of performance, behavior and conduct the County considers inappropriate and which shall lead to disciplinary action include, but are not limited to, the following:

1. Falsifying employment or other County records or making false statements
2. Violating the County's Equal Employment Opportunity Policy
3. Violating the Montana Code of Ethics (Section 2-2-101 / 2-2-304 MCA)
4. Establishing a pattern of absenteeism or tardiness
5. Use of County equipment, vehicles, supplies, time or facilities for private purposes
6. Reporting to work intoxicated or under the influence of non-prescriptive drugs
7. Violating the Drug Free Work Place Act including, but not limited to, testing positive for drug use
8. Bringing or using alcoholic beverages on County property or using alcoholic beverages while engaged in County business away from County property
9. Fighting or causing or performing violent acts in the workplace.
10. Theft of property from County employees or the County
11. Possessing unauthorized firearms on County premises or while on County business
12. Disregarding safety or security regulations
13. Engaging in insubordination
14. Failing to maintain the confidentiality of County information
15. Operating county vehicles or equipment while under the influence, as defined in Section 61-8-401 MCA
16. Failing to perform duties in a satisfactory manner

17. Using offensive conduct, gestures or language towards the public, County officials or other employees
18. Abusing break times and/or lunch periods
19. Misrepresenting travel expenses
20. Failing to possess or maintain a driver's license, commercial drivers license or other license, when the license is necessary for performance of job duties
21. Possessing or using alcohol or non-prescription drugs in County vehicles or private vehicles being used for County business
22. Violating drug and alcohol rules and regulations established for employees required to have commercial drivers licenses
23. Failing to operate County equipment safely or in the proper manner
24. Abuse of or failure to properly maintain County equipment or property
25. Any other act, failure to act, or negligence which is injurious to the County, County employees or the general public.

Violations of the above standards or other county, state or federal rules, or conduct which is injurious to the County's interests or its employees' interests, shall result in disciplinary action which can include written or oral warnings, suspension, demotion, termination \* or other appropriate discipline.

In all cases, an employee subject to disciplinary action shall be informed by the department head of the alleged violations and employer's evidence and the employee shall be allowed to present his/her side of the story and evidence orally and/or in writing before discipline, if appropriate, is imposed.

If the disciplinary decision is termination, the department head shall, at discharge or within seven (7) days of the date of discharge, notify the discharged employee of the existence of the County's "Complaint Resolution Procedure" and provide the discharged employee with a copy of the "Procedure".

\* Deputy sheriffs who have served a one-year probationary period may only be terminated for the reasons specified in Section 7-32-2107 MCA. This section provides that "gross inefficiency in the performance of official duties" is a reason for termination. Violation of County policy can constitute "gross inefficiency in the performance of official duties". (Smith v Roosevelt County, 242Mt.27)

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** DRUG FREE WORKPLACE

**PURPOSE:** To comply with the Federal Drug Free Workplace Act

## **STATEMENT OF POLICY**

In 1988 Congress passed a variety of anti-drug legislation which included the Drug-Free Workplace Act (DFWPA). This Act requires that agencies and individuals, who receive Federal aid or who contract with the Federal government, adopt specific policies regarding the illegal possession and use of controlled substances. To comply with this Act, the County has adopted the following policy.

All County employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing or using controlled substances in the workplace. "Controlled substances" are defined in schedules I through V of Section 812 Title 21, United States Code. Examples of controlled substances include illegal narcotics, cannabis, stimulants, depressants and hallucinogens.

County employees must abide by this Policy as a condition of employment and violations of this Policy will result in disciplinary action up to and including termination. The County may also require employees who violate this policy to satisfactorily participate in a drug-abuse assistance or rehabilitation program as a condition of continued employment.

Any employee convicted of violating a criminal drug statute in the workplace or while conducting official County business must inform the employee's immediate supervisor of such conviction within five (5) days after the conviction. The supervisor must inform the department head of any such communication immediately.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** HOURS OF WORK

**PURPOSE:** To establish a policy setting uniform hours of work for employees

## **STATEMENT OF POLICY**

Except as otherwise provided by labor agreement, the normal working hours for employees are eight (8) hours, from 8:00 a.m. to 5:00 p.m., with one (1) unpaid hour lunch period. This does not include personnel engaged in shift work. Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule.

Employees shall have a rest period of fifteen (15) minutes, on the County's time, for each four (4) hour work period. Rest periods shall be scheduled as near as possible to the midpoint of each four (4) hour work period.

Daily attendance records will be maintained by each department, including date and time absent and reason for absence. Tardiness or other attendance irregularities shall be cause for disciplinary action.

Hours for employees may vary from the normal office hours established above due to the nature of the work. Variances must be approved by the appropriate department head, with concurrence of the County Commission.

Nothing in the Policy limits the County from establishing or changing work schedules as necessary for the successful operation of County programs.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** PERSONAL APPEARANCE

**PURPOSE:** To establish general guidelines related to personal appearance of County employees

## **STATEMENT OF POLICY**

It is the responsibility of all employees to represent the County to the public in a manner which shall be courteous, efficient and helpful.

County employees should always be well-groomed and dressed in a manner suitable for the public service environment and to reflect favorably on the County's image.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** PERSONAL TELEPHONE CALLS

**PURPOSE:** To provide for control of incoming and outgoing personal telephone calls

## **STATEMENT OF POLICY**

County phones are to be used for County business and may be used for personal business on a limited basis only.

Telephone calls received during business hours must be held to both a minimum number and time limit and must not interfere with the employee's work.

When a toll call must be placed, the call is to be billed to the employee's home number or called collect.

It is the employee's responsibility to ensure that no cost to the County results from personal phone calls.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** DRIVERS LICENSE REQUIREMENT

**PURPOSE:** To establish a policy for the requirement of a valid Montana State Drivers License by employees whose jobs involve driving County vehicles

## **STATEMENT OF POLICY**

Employees whose work requires that they drive County vehicles must hold a valid Montana State Drivers License, including a Montana Commercial Drivers License if applicable.

All new employees who will be assigned work entailing the operation of a county vehicle will be required to submit to a Montana State Division of Motor Vehicles driving record check as a condition of employment. Periodic checks of employee drivers licenses through visual and formal Division of Motor Vehicles review may be made by department heads. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

Any employee performing work which requires the operation of a county vehicle must immediately notify his/her immediate supervisor in all cases where his/her license is expired, suspended or revoked and/or who is unable to obtain an occupational permit from the State Division of Motor Vehicles.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** COMPLAINT RESOLUTION PROCEDURE

**PURPOSE:** To establish a policy and procedure to resolve employee complaints involving the interpretation of these Policies or an alleged violation of these Policies, which is to be used in all situations except for discrimination complaints. **(For complaints alleging discrimination, employees should use the “Grievance Procedure” outlined in the Equal Employment Opportunity Policy.)**

## **STATEMENT OF POLICY**

To ensure effective working relations, it is important that misunderstandings or conflicts are resolved before serious problems develop. Most incidents resolve themselves naturally; however, if a situation persists which is covered by this Policy, the employee is free to present the matter to management by using the following procedure. An employee must begin Step 1 of the procedure within thirty (30) calendar days of his/her knowledge of the situation.

### **STEP 1**

The employee shall informally discuss the situation and relevant evidence with the department head.

### **STEP 2**

If the situation is not resolved after the discussion with the department head, the employee may, within five (5) working days of the Step 1 discussion, submit a written summary of concerns and relevant evidence to the department head. The department head will review the matter and will normally advise the employee in writing of his/her decision within fifteen (15) working days of the date the written summary was presented.

### **STEP 3**

If the employee is dissatisfied with the Step 2 decision, the employee may, within five (5) working days of the receipt of the written decision from the department head, present a written summary and evidence regarding the matter to the County Commission for review.\* The Commission will review the matter and will normally advise the employee in writing of its decision within thirty (30) working days of receipt of the written summary and evidence. The Commission’s decision shall be final.

The County does not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure should not be construed, however, as preventing, limiting, or delaying the County from taking disciplinary action against an employee, up to and including termination, when circumstances such as those enumerated in the “Guidelines for Appropriate Conduct Policy” are present.

\* If the grievance involves a disciplinary termination, the employee may request a hearing before the County Commission. At the hearing, the employee may be represented by counsel and may present evidence and examine and cross-examine witnesses.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** VOLUNTARY TERMINATION / RESIGNATION  
RETIREMENT

**PURPOSE:** To specify notification dates for employee voluntary termination and resignation

## **STATEMENT OF POLICY**

### **Voluntary Termination / Resignation**

Employees desiring to voluntarily terminate their employment relationship with the County should notify the County at least two weeks in advance of their intended termination. The notice should preferably be given in writing to the supervisor and department head. Proper notice generally allows the County sufficient time to calculate all accrued overtime (if applicable) as well as other monies to which the employee may be entitled and to include such monies in the final paycheck.

Failure to comply with the notice requirement may be cause for denying future employment with the County.

### **Retirement**

Employees who plan to retire are urged to provide the County with a minimum of one month's notice. This will allow ample time for the processing of appropriate retirement forms. A retired employee may continue County health insurance coverage, if the employee meets the criteria established in Section 2-18-704, MCA, and premium amounts are paid in accordance with policies established by the Plan administrator.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

**SUBJECT:** REDUCTION IN WORK FORCE

**PURPOSE:** To establish policy and procedure for reductions in the County work force

## **STATEMENT OF POLICY**

If a reduction in the County work force becomes necessary, consideration will be given to the programs to be carried out by the County. Temporary, seasonal and short-term workers within the classification and department(s) affected by the reduction in force will be terminated before any permanent employees will be laid off.

Permanent employees within the same classification and department and geographical area will be retained, giving consideration to the general employment history of the employee with the County. The general employment history may include qualifications, experience, capabilities and disciplinary actions. If no documentable difference in employment history can be determined, an employee's length of continuous service with the County will be used as the criterion for retention, with the most senior employee being retained. "Continuous service" means that the employee's service has not been interrupted by a termination of employment. An employee who has been reinstated shall not be credited with previous service time regardless of the length of the break in service.

The forgoing procedure will be utilized in all cases unless a performance appraisal system is being used. If a performance appraisal system is being used, a veteran, disabled veteran, or eligible relative whose performance has not been rated unacceptable shall be retained over other employees with similar job duties and qualifications and the same length of service. A disabled veteran with a service-connected disability of 30% or more shall be retained over other veterans, disabled veterans, and eligible relatives with similar duties, qualifications and length of service. (Section 39-29-111 MCA)

Employees should be provided with notice of the reduction in force as much in advance of the reduction as is possible.

In the event the County decides to staff the position as it had prior to the reduction in force, individuals who have been laid off shall have a preference for recall to the position they were removed from for a period of one calendar year from the effective date of lay off. In the event the County decides to fill the position within the one calendar year period, the laid off individual will be sent a written notice at his/her last known address. The individual shall have five (5) working days to respond to the written notice. If the individual fails to respond or declines the recall, the individual shall have no further recall rights.

**EFFECTIVE:** Immediately

**DATE:**

**APPROVAL:**

**LAST REVISED:**

## ADDENDUM A

### EXEMPT POSITIONS

Fair Labor Standards Act  
Montana Minimum Wage and Overtime Compensation Act

## ADDENDUM B

**Employer Response to Employee  
Request for Family or Medical Leave**  
*(Optional use form see 29 CFR ~ 825.301)*

**U.S. Department of Labor**  
**Employment Standards Administration**  
**Wage and Hour Division**

**(Family and Medical Leave Act 011993)**

(Date)

TO: \_\_\_\_\_  
*(Employee's Name)*

FROM: \_\_\_\_\_  
*(Name of appropriate employer representative)*

SUBJECT: Request for Family/Medical Leave

On \_\_\_\_\_, you notified us of your need to take family/medical leave due to:  
*(date)*

- ☐ the birth of a child, or the placement of a child with you for adoption or foster care; or
- ☐ a serious health condition that makes you unable to perform the essential functions of your job; or
- ☐ a serious health condition affecting your ☐ spouse, ☐ child, ☐ parent, for which you are needed to provide care. You notified us that you need this leave beginning on \_\_\_\_\_ and that you expect leave to continue until on or About \_\_\_\_\_  
*(date)* *(date)*

Except as explained below, you have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period for the reasons listed above. Also, your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work, and you must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from leave. If you do not return to work following FMLA leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; or (2) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.

**This is to inform you that: *(check appropriate boxes: explain where indicated)***

- 1. You are ☐ eligible ☐ not eligible for leave under the FMLA.**
- 2. The requested leave ☐ will ☐ will not be counted against your annual FMLA leave entitlement.**
- 3. You ☐ will ☐ will not be required to furnish medical certification of a serious health condition. If required, you must furnish certification by \_\_\_\_\_ *(insert date)* (must be at least 15 days after you are notified of this requirement) or we may delay the commencement of your leave until the certification is submitted.**

ADDENDUM B, PAGE 2

4. You may elect to substitute accrued paid leave for unpaid FMLA leave. We ☐ will ☐ will not require that you substitute accrued paid leave for unpaid FMLA leave. If paid leave will be used, the following conditions will apply: *(Explain)*
- 5(a) If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of FMLA leave. Arrangements for payment have been discussed with you and it is agreed that you will make premium payments as follows: *(Set forth dates, e.g., the 10th of each month, or pay periods, etc. that specifically cover the agreement with the employee.)*
- (b) You have a minimum 30-day *(or, indicate longer period, if applicable)* grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work. We ☐ will ☐ will not pay your share of health insurance premiums while you are on leave.
- (c) We ☐ will ☐ will not do the same with other benefits (e.g., life insurance, disability insurance, etc.) while you are on FMLA leave. If we do pay your premiums for other benefits, when you return from leave you ☐ will ☐ will not be expected to reimburse us for the payments made on your behalf.
6. You ☐ will ☐ will not be required to present a fitness-for-duty certificate prior to being restored to employment. If such certification is required but not received, your return to work may be delayed until certification is provided.
- 7(a) You ☐ are ☐ are not a "key employee" as described in ~ 825.218 of the FMLA regulations. If you are a "key employee," restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us.
- (b) We ☐ have ☐ have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us. *(Explain (a) and/or (b) below. See ~825.219 of the FMLA regulations.)*
8. While on leave, you ☐ will ☐ will not be required to furnish us with periodic reports every \_\_\_\_\_ *(indicate interval of periodic reports, as appropriate for the particular leave situation)* of your status and intent to return to work *(see ~ 825.309 of the FMLA regulations)*. If the circumstances of your leave and you are able to return to work earlier than the date indicated on the reverse side of this form, you ☐ will ☐ will not be required to notify us at least two work days prior to the date you intend to report for work.
9. You ☐ will ☐ will not be required to furnish recertification relating to a serious health condition. *(Explain below, if necessary), including the interval between certifications as prescribed in ~ 825.308 of the FMLA regulations.)*